

**REMARKS**

Claims 12-13, 18-26, 44-49 and 52-120 are pending. Claims 121-129 have been canceled. No new matter is added by the amendments.

Applicants respectfully request reconsideration of the pending rejections based on the amendments and the following comments.

**Double Patenting**

The Examiner has provisionally rejected claims 12-13, 18-26, 44-49, 55-67, 71-82, 84-96 and 100-102 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2-3, 8-17 and 19-54 of co-pending U.S. Patent Application No. 11/005,445. Without acquiescing to the propriety of the rejection, submitted concurrently herewith is are executed Terminal Disclaimers for filing in connection with the above-referenced application. *See* MPEP § 804.02; *Quad Environmental Technologies Corp. v. Union Sanitary District*, 949 F.2d 870 (Fed Cir. 1991). Therefore, the rejection is obviated. Applicant respectfully submits that submission of the Terminal Disclaimers places the application in condition for allowance.

**Conclusion**

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

A fee for an extension of time, for a period of three months, will be paid via EFS Web. The Commissioner is hereby authorized to charge any other required fee to Jones Day Deposit Account No. 50-3013.

If the Examiner believes it would be useful to advance prosecution, the Examiner is invited to telephone the undersigned at (858) 314-1200.

Respectfully submitted,

Date: July 24, 2008

  
For: Mark D. Kafka  
Dale Rieger

Reg. No. 59,569  
Reg. No. 43,045

**JONES DAY**  
222 East 41st Street  
New York, New York 10017  
(858) 314-1200